

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

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3	_____	x	
4	UNITED STATES OF AMERICA,	:	CRIMINAL ACTION NUMBERS
		:	2:19-cr-00241-01 and 02
5	Plaintiff,	:	
	-vs-	:	
6		:	
	SRIRAMLOO KESARI, M.D., and	:	
7	KRISTINA TRUXHALL,	:	<b>EXCERPT</b>
		:	<b>KELLY CLARK, M.D.</b>
8		:	<b>TESTIMONY</b>
	<b>Defendants.</b>	:	
9	_____	x	

JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE JOHN T. COPENHAVER, JR.,  
SENIOR UNITED STATES DISTRICT JUDGE, and a jury  
TUESDAY, MAY 25, 2021

Proceedings recorded by mechanical stenography,  
transcript produced by computer.

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<u>DEFENSE</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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KELLY CLARK, M.D.		5		
(EXCERPT)				

1 (The following proceedings were held before the  
2 Honorable John T. Copenhaver, Jr., Senior United States  
3 District Judge, in the case of the *United States of America*  
4 *versus Sriramloo Kesari, M.D., and Kristina Truxhall*, on  
5 Tuesday, May 25, 2021, at Charleston, West Virginia.)

6 (The following is an excerpt. Proceedings preceded and  
7 followed but were not transcribed.)

8 **(Jury in.)**

9 (All counsel present, defendant Kesari and defendant  
10 Truxhall present.)

11 **CROSS-EXAMINATION**

12 BY MR. LYNCH:

13 **Q.** All right. From 2014 to 2018, Dr. Clark, you worked as  
14 Chief Medical Officer for a company called CleanSlate; is  
15 that correct?

16 **A.** Yes.

17 **Q.** Before I talk about CleanSlate, let me --

18 MR. LYNCH: Let me ask you to pull up just so Dr.  
19 Clark can see it, Exhibit 130.

20 BY MR. LYNCH:

21 **Q.** Can you see this Exhibit 130, Dr. Clark?

22 **A.** Yes.

23 **Q.** In your practice with the Department of Justice, in  
24 your consulting work, you have had occasion to look up the  
25 Board of Medicine records for various doctors; is that

1 correct?

2 MR. FERRARA: Objection, Your Honor.

3 THE COURT: What's the basis for it?

4 MR. FERRARA: Your Honor, this was subject to  
5 pretrial litigation.

6 MR. LYNCH: Respectfully, Your Honor, I think that  
7 this document was not, but I'd be happy to explain in a  
8 sidebar if it's helpful.

9 THE COURT: I think you'll need to.

10 MR. LYNCH: Okay.

11 **(Sidebar via headsets.)**

12 MR. FERRARA: Your Honor?

13 MR. LYNCH: Your Honor, can you hear me? Can you  
14 hear me?

15 MR. FERRARA: Yes, I can.

16 May I proceed with my objection, Your Honor?

17 THE COURT: Go ahead.

18 MR. FERRARA: Mike Ferrara on behalf of Dr.  
19 Kesari. This is a matter that was, in fact, the subject of  
20 pretrial litigation, and it has to do with the sanction or  
21 termination of Dr. Kesari's medical license. The sole and  
22 exclusive reason why that license was suspended or  
23 terminated has to do with his cognitive impairment.

24 The Court ruled clearly, precisely on this issue. This  
25 inquiry is improper, Your Honor.

1           MR. LYNCH: Your Honor, this is -- may I respond?  
2           This document is not a summary suspension. This is a  
3           publically available document from the Board of Medicine  
4           that simply shows the date that Dr. Kesari had a license and  
5           when the license ceased to be valid. This isn't going to  
6           any of the reasoning from the Board of Medicine about why  
7           the license was terminated.

8           MS. MACFADDEN: Your Honor, additionally -- this  
9           is Kilby Macfadden -- Dr. Clark has already testified about  
10          the fact he was in India, that's he's licensed as a general  
11          practitioner. This is just codifying most of what she said  
12          anyway. Hence, we're getting in through this witness --

13          MR. FERRARA: Judge, if I may respond?

14          You can see on the screen, the Court can see the same  
15          thing I can see, it has the expiration date of the license.  
16          The expiration date is tethered exclusively and solely in  
17          Dr. Kesari's cognitive impairment.

18          We have no objection to Mr. Lynch inquiring about Dr.  
19          Kesari's qualifications as a doctor or where he was  
20          educated.

21          We do not need to do it with a piece of evidence that  
22          expressly includes evidence that has been excluded by this  
23          Court.

24          MS. MACFADDEN: Your Honor, on -- the issues with  
25          his license were initiated by the DEA-104. So if it's not

1 an issue of cognitive impairment, hence, the consent order  
2 is not here, it's just the Board of Medicine stating this is  
3 a public record that this is Dr. Kesari -- this is his  
4 general practice, and this is his location; he was a  
5 licensed doctor and he had -- that was what it is. He went  
6 to school -- this is on the Board of Medicine website. This  
7 is readily available. And the doctor has already been  
8 testifying to --

9 MR. FERRARA: Mike Ferrara. What Ms. Macfadden  
10 said is -- affirmative says, Judge, Dr. Kesari's DEA  
11 registration was surrendered by the DEA-104. That is not  
12 what the document relates to.

13 This document relates to Dr. Kesari's medical license,  
14 which was not issued by the DEA. It was issued by the West  
15 Virginia Board of Medicine. That West Virginia Board of  
16 Medicine license was valid all the way until it was  
17 terminated due to his cognitive impairment.

18 There is no way to separate this exhibit that is  
19 currently on the screen from the cognitive impairment  
20 evidence that this Court has already excluded.

21 What Ms. Macfadden said about the DEA-104 is completely  
22 and utterly irrelevant to this document.

23 MS. MACFADDEN: Your Honor, if I could just  
24 respond? And I apologize.

25 THE COURT: Let me mention to you, first of all,



1 this is the only time we are going to hear from two  
2 attorneys on the same side.

3 MS. MACFADDEN: Yes, Your Honor.

4 THE COURT: Mr. Lynch should be handling this.

5 MS. MACFADDEN: I agree. And, I'm sorry.

6 He -- Mr. Ferrara made the objection and we had the  
7 sidebar. It's just to -- if you want Mr. Lynch to take the  
8 argument, that's fine. We don't need to say anything  
9 further. The document speaks for itself. Thank you.

10 THE COURT: The objection is sustained.

11 **(Sidebar ends.)**

12 **(Open Court.)**

13 (End of excerpt.)

14 (Proceedings followed but were not transcribed.)  
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## 1 CERTIFICATE OF OFFICIAL REPORTER

2 I, Catherine Schutte-Stant, Federal Official Realtime  
3 Court Reporter, in and for the United States District Court  
4 for the Southern District of West Virginia, do hereby  
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8 in the above-entitled matter and that the transcript page  
9 format is in conformance with the regulations of the  
10 Judicial Conference of the United States.

11  
12 s/Catherine Schutte-Stant, RDR, CRR

13 \_\_\_\_\_ June 7, 2021

14 Catherine Schutte-Stant, RDR, CRR  
15 Federal Official Court Reporter  
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